

1 (Guttridge Deposition Exhibit 3 was marked
2 for identification.)

3 A. Okay.

4 Q. Have you ever seen that document before?

5 A. No.

6 Q. I'll submit to you that this is a list of
7 employees from the Process Department that were
8 discharged from BE&K from starting from 2003, I believe,
9 through 2004. I just want to direct you to the entry for
10 Nasim Hassan, Nasim Hassan. Do you see that?

11 A. Yes.

12 Q. It says his date of birth 10/14/1942. So as of
13 November of 2003 that would have made Mr. Hassan 61 years
14 old. Would you agree with me?

15 A. Yes, that looks right.

16 Q. I believe I asked you this question, but all of
17 the individuals who were working on this particular
18 DuPont project with you were all doing the same task with
19 respect to the devices that came in?

20 A. Yes.

21 Q. Now, do you find it odd that you were doing the
22 same type of work that other, more experienced engineers
23 were doing?

24 MS. DIBIANCA: Objection. That calls for



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1 speculation. You can answer.

2 A. Okay. Within this project, just like all other
3 of engineering, there are certain things that are easier
4 to do and certain things that are harder to do. And when
5 I started, I, I started with things that were much, much
6 easier, of less complicated, that a less experienced
7 engineer could do and could learn from.

8 Whereas I know, looking at this list right
9 now, as far as Gladys Delgado was doing more complex
10 calculations within the scope of the project.

11 Q. Anything else?

12 A. No.

13 Q. Was Delgado, Pham and Hassan and yourself
14 checking the adequacy of existing devices when they came
15 in?

16 A. Could you rephrase that?

17 Q. When Mr. Baker would give you an assignment, were
18 you checking the adequacy of the existing devices, of the
19 existing device that came in?

20 A. Yes, that's pretty much the first step that we
21 take.

22 Q. Was Delgado, Pham and Hassan doing the same
23 thing?

24 MS. DIBIANCA: I'm going to object to the



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1 extent it asks him to speculate. You can answer.

2 A. They -- yes, that was the scope of the project,
3 so they would have had to do the same thing too.

4 Q. If the device was not sized adequately, did you
5 perform calculations to resize the device?

6 A. We would perform calculations to resize a certain
7 part of a system, sometimes the device, sometimes
8 something else, to make the device work. But
9 calculations were performed to make the system adequate.

10 Q. So that's what you would do?

11 A. Yes.

12 Q. And was that also what Delgado, Pham and Hassan
13 would do?

14 A. Yes.

15 MS. DIBIANCA: I'm going to restate my
16 objection, for the record.

17 A. Yes.

18 Q. If you received relief devices that did not have
19 the proper equipment, what would you do again?

20 A. If we received -- if we found equipment that
21 didn't have the proper devices, now that necessarily
22 didn't happen -- that necessarily wasn't assigned to us,
23 that was more something that you find or the plant would
24 find, but if we found something that wasn't sized



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1 adequate, or wasn't sized at all, we would check with the
2 DuPont plants, the engineers, to make sure that there was
3 no protection, and then we would proceed with sizing
4 something that would adequately protect the system.

5 Q. And this is what you would do in the event that
6 happened?

7 A. Yes.

8 Q. And this is also what Delgado, Pham and Hassan
9 would do in the event that happened?

10 MS. DIBIANCA: I'm going to restate my
11 objection.

12 A. Yes.

13 Q. And again, devices that would come in, that you
14 were working on, were such devices as relief valves?

15 A. Mm-hmm.

16 Q. Ruptured disks, conservation vents, flame
17 arresters, free vents, and overflows?

18 A. Yes, that sounds right.

19 Q. And was Delgado, Pham and Hassan also responsible
20 for the same type of devices that I just described?

21 A. Yes, they would have been.

22 Q. Now, when you started in November of 2003 who
23 were you reporting to?

24 A. Well, I started in June/July of 2003.



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1 A. Yes, yes.

2 Q. Thank you. Now, do you know what project Juan
3 Perez was working on at the time he was terminated?

4 A. No.

5 Q. Do you know if his project had ended at the time
6 he was terminated, before he was terminated?

7 MS. DIBIANCA: I think you --

8 THE WITNESS: No.

9 MR. ANGLADE: You had to state something?

10 MS. DIBIANCA: That's all right.

11 BY MR. ANGLADE:

12 Q. Do you know the type of work Juan Perez was doing
13 when he worked for BE&K?

14 A. No.

15 Q. Do you know what projects he was working on?

16 MS. DIBIANCA: Objection. It has been asked
17 and answered.

18 A. No.

19 Q. Okay. Of the new hires that you just listed for
20 me that you can remember after 2003, it appears that none
21 of them, based on what you told me, none of them are over
22 the age of 40; is that correct?

23 A. Without knowing their birth dates, yes, I would
24 -- my guess is yes.



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1 A. It is an informal title.

2 Q. Were you ever a project lead on any project
3 before becoming one for the DTT project?

4 A. No.

5 Q. Have you ever led any projects indirectly before
6 formally becoming the project lead on the DTT project?

7 A. At BE&K?

8 Q. Yes.

9 A. No.

10 Q. Now, the process engineers in the Process
11 Department, are they moved around to different projects?

12 A. Depending on a project's needs, sometimes that
13 happens.

14 Q. Like give me an example of like when that could
15 happen.

16 A. For instance, the one engineer that -- okay. One
17 person here is a good idea, Shea Taylor. She is on --
18 right here, number 2. Shea had been on the DTT project
19 for awhile. I'm guessing a year or so. Then her -- she
20 was asked to help with another project. It was another
21 DuPont project. And she was splitting time 50-50.

22 Then a plant within the same business unit
23 as that other project was undergoing a major project, and
24 they requested her specifically because she had



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1 familiarity with the process, familiarity with the
2 business unit and their engineers, so they requested her
3 to be a lead engineer on that project. So she left DTT
4 altogether and went to work on that other project.
5 That's like an example of what would happen.

6 Q. Now, I believe I had asked you if you had ever --
7 no, I don't think I asked you this. Have you ever
8 received any training on being a project lead?

9 A. Not that I recall, no.

10 Q. So you were just elevated to become the project
11 lead of DTT, correct?

12 A. Yes.

13 Q. Did anyone give you any advice on how to take on
14 that new position?

15 A. Yes, yes, I did receive some advice.

16 Q. Who gave you the advice?

17 A. I think Jack Baker gave me some, and then Dan
18 Dayton, the client, the DuPont client also gave me some
19 advice.

20 Q. What did Dan Dayton tell you?

21 A. Basically, just not to -- that I'm going to have
22 to give up some of the engineering, the actual, the
23 calculations, the actual engineering work, and I'm going
24 to have to budget my time better, and not spend so much



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1 time worrying about calculations and spend more time
2 managing and coordinating budgets and work of the plants.
3 That kind of stuff.

4 Q. Did he ever give you any advice about DuPont
5 requirements with certain projects?

6 A. What do you mean "DuPont requirements"?

7 Q. With each project is there certain requirements
8 that DuPont mandates?

9 A. Okay, yes, DuPont does have a set of standards
10 and guidelines for certain things, yes.

11 Q. Did he give you advice on that?

12 A. I had already been aware of those guidelines and
13 standards.

14 Q. How did you become aware of the guidelines and
15 standards?

16 A. Just through the engineering work and interaction
17 with other engineers and interaction with DuPont
18 engineers too.

19 Q. When you first started working for DuPont, when
20 did you first learn anything about the DuPont
21 requirements?

22 A. I probably would have learned it very quickly.
23 Because their standards are very thorough, and it is one
24 of the links -- to be honest, how I'm saying this, it is



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1 one of the links on my favorites list of DuPont sites,
2 and it is towards the top, and it is based on time that
3 they are put on, so it would have had to have been
4 fairly, fairly soon after starting there.

5 Q. Like how soon after?

6 A. I'm guessing within a month.

7 Q. And did someone tell you that DuPont had these
8 requirements and standards?

9 A. Yes.

10 Q. That needed to be met?

11 A. Yes.

12 Q. Who told you that?

13 A. That would be Jack Baker.

14 Q. And because Jack Baker was your supervisor at the
15 time?

16 A. Yes.

17 Q. Explain in detail how you were made aware of the
18 specific standards. Did he show them to you? I mean,
19 did he give you a document?

20 A. I think how it came about was, knowing what I was
21 working on at the time, I had asked him to check certain
22 calculations that I had done, because they were the first
23 ones I had ever done, and parts of it weren't correct --
24 well, they weren't correct because they didn't follow a



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1 certain DuPont standard.

2 So he showed me, then he showed me the web
3 pages within the DuPont Internet that, for different,
4 depending on what you are looking at, whether it be
5 piping, insulation, whatever, he showed me the different
6 websites that talk about the standards and the guidelines
7 for each aspect in engineering project.

8 Q. Before you did those calculations were you aware
9 that DuPont had standards and guidelines?

10 A. No.

11 Q. Before BE&K starts a project for a client, are
12 the engineers ever consulted on how many hours should be
13 budgeted for each task?

14 A. Yes. Well, from the DTT perspective, yes.

15 Q. Why is that?

16 A. We wanted to be able to give the client an
17 accurate measure of what it is going to take to perform
18 the work. We don't want to under -- we don't want to
19 undercut it and then make the client think we are going
20 over budget. And at the same time, we can't get the
21 client to agree to just some number with no ceiling on
22 it.

23 Q. So before the budget is actually done, the
24 engineers are consulted as to how many hours they think



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1 they will need to get a particular task completed?

2 A. From my perspective within the DTT project, yes.

3 Q. That has been your experience?

4 A. Yes.

5 Q. Basically, your experience has just been this one
6 DTT project?

7 A. Yes.

8 Q. Since you became the project lead, have you been
9 involved in any other projects besides DTT?

10 A. Yes.

11 Q. How many others?

12 A. Since becoming the lead?

13 Q. Yes.

14 A. My best guess is two.

15 Q. Now, before you became --

16 A. Sorry. Three. It is three actually.

17 Q. Before you became the project lead on the DTT
18 project were you involved in other projects besides DTT?

19 A. Yes.

20 Q. How many?

21 A. This is tougher, but I'm going to guess two,
22 because I can think of two off the top of my head.

23 Q. What was the first project that you were involved
24 in while working at BE&K besides the DTT project?



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1 they needed me to model the piping system for the steam
2 to make sure they had selected the right pipe sizes, the
3 right control valves for the steam line, so that the
4 users downstream wouldn't be choked from steam or they
5 wouldn't have too much steam supplied to them.

6 Q. Was this relief device work?

7 A. No, this wasn't.

8 Q. How would you describe this work that you were
9 doing?

10 A. I just call it line sizing, if you want. Line
11 sizing, if you want something similar.

12 Q. Line sizing?

13 A. Line sizing, yes.

14 Q. L-I-N-E, S-I-Z-I-N-G?

15 A. Yes.

16 Q. Can you list the different type of work process
17 engineers would do? You said relief device.

18 A. Okay.

19 Q. Line sizing work. What other type of things
20 would process engineers do?

21 A. Pump sizing. Heat exchanger design. General
22 equipment specifications. To go along with pump sizing I
23 should have added in blower and fan compressors. They
24 are all kind of the same gist, same mold.



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1 When I said equipment selection, that pretty
2 much encompasses everything. I mean reactors, tanks,
3 holding tanks, distillation columns, that type of stuff.

4 Q. Is the expectation that all the process engineers
5 in the Process Department can do this type of work, if
6 asked?

7 A. The expectation is yes. But it would depend on
8 experience level. An Engineer I, say me coming out of
9 college, I could have done equipment selection, design
10 distillation column, reactors. I could have done it. I
11 had the background to do it. But I didn't have the
12 experience, so I would have fumbled through it. I would
13 have needed a Senior Engineer guiding me.

14 I could have sized the pump. I could do
15 line sizing. But a more Senior Engineer, with the
16 experience built up from all the experience, would be
17 more apt to doing say a heat exchanger design or
18 equipment selection like a distillation column or
19 reactor, something like that.

20 Q. But you are all doing the same work, it is just a
21 less experienced engineer may need more assistance in the
22 beginning; is that what you mean?

23 A. They could do the same work. I don't know if
24 everyone is. But you could technically do the same work.



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1 It is just a younger engineer, an Engineer I, Engineer
2 II, even a III would need the help of a Senior Engineer
3 to complete a task like that, like equipment selection or
4 something.

5 Q. But senior engineers and Engineer Is, IIs and
6 IIIs were doing the type of tasks that you just described
7 to me?

8 A. Yes, yes.

9 Q. Okay. The project in the Hercules plant, is that
10 over? Do you know?

11 A. To the best of my knowledge, it is. But I don't
12 know for sure.

13 Q. Okay. How long did you work on this project?

14 A. That was about, I'm guessing about two weeks of
15 work.

16 Q. So you were just asked to do a small assignment
17 for it?

18 A. Yes. It is usually just one specific thing that
19 they need from me.

20 Q. What was the next one?

21 A. The next one would have been another line sizing
22 project. Honestly, I can't tell you what plant it is. I
23 believe it was for a DuPont plant.

24 Q. And when was this?

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1 spread out.

2 Q. How long did you work on this one?

3 A. It was probably off and on for about a month. It
4 wasn't like a solid month of work, put it that way.

5 Q. What was the next project?

6 A. The next project is, it is for DuPont's Manati
7 plant, M-A-N-A-T-I.

8 Q. M-A-N-A-T-I?

9 A. Yes. And it was to check the -- they had just
10 purchased two new refrigeration units and they needed
11 relief devices checked on the refrigeration units.

12 Q. Needed relief devices checked on refrigeration
13 units?

14 A. Mm-hmm.

15 Q. And how long was this project that you worked on
16 it?

17 A. Okay. For me working on it, it was an ongoing
18 thing, and I have -- I would guess about two months
19 maybe, and it is still going.

20 Q. Was it an ongoing project when you started
21 working on it?

22 A. Yes.

23 Q. Now, the DTT project, is that considered a large
24 project or a small project?



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1 A. I would probably consider it a large project.

2 Q. Why?

3 A. Based on the number of process engineers that are
4 currently on the project and based on the time scale of
5 the project, and probably because I know of what the
6 budget looks like for the project too.

7 Q. What is the budget for the project?

8 A. It changes probably weekly. But right now it is
9 about one-and-a-half million dollars of engineering.

10 Q. This project at Hercules plant, was that a large
11 project or a small project?

12 A. I don't know.

13 Q. The project, DuPont plant where you did line
14 sizing and pump sizing in the spring of 2004 --

15 A. Okay.

16 Q. -- was that a large or a small project?

17 A. I don't know.

18 Q. The next project that you worked on where you did
19 the relief device calculations in 2005, was that a large
20 or small project?

21 A. That I think is, I'm pretty sure that's small
22 project work.

23 Q. Why would you say it was a small project?

24 A. Because the plant that the work was completed at,



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1 we have a site team there, which means they are BE&K
2 engineers that work at the DuPont facility in daily
3 operation, projects, etcetera.

4 We do, when the site team has a project, we
5 will often support it from the home office and that was
6 the scope of that project. So I would consider that
7 small project work.

8 (Discussion off the record.)

9 Q. Have you ever been advised that there was a
10 decline in large projects?

11 A. Yes.

12 Q. When?

13 A. Time-wise, I don't, I don't know. I have no
14 idea.

15 Q. Well, who told you that?

16 A. Specifically, I don't know. I think I just heard
17 that kind of bantered back and forth.

18 My -- if I had to guess I would say Jack
19 Baker, though.

20 Q. Are you able to work on large projects as well as
21 small projects?

22 A. I don't know why I wouldn't be able to.

23 Q. Is the expectation of the Process Department
24 engineers in the Process Department for them to be able



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1 to work on both large and small projects?

2 A. I don't know -- I wouldn't -- I don't know.

3 Q. So you believe that a person with your background
4 has the ability to work on both large and small projects?

5 A. That's my feeling.

6 Q. How about some of the other engineers you work
7 with at BE&K?

8 A. What?

9 Q. Do you believe the backgrounds of the employees
10 who were hired at BE&K gave them the capability to work
11 on both large and small projects?

12 A. In my mind, I think, I think -- see, this is my
13 lack of experience, and this is my not being a department
14 manager or something.

15 In my mind, anybody should be able to work
16 on large or small projects. I don't know if that's truly
17 the case, though.

18 Q. Are you aware if certain people had specialties
19 as far as doing large project work as opposed to small
20 project work?

21 A. No.

22 Q. Was it your impression that engineers were just
23 working on both large and small projects?

24 A. Yes, yes, as far as I know.

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1 Q. And who makes the decision that there's going
2 to be a reduction in force?

3 A. The managers.

4 Q. Like what managers? The managers on the
5 project?

6 A. We have department managers that manage
7 employees and part of their job is to know what
8 projects to assign, what projects are incoming, what
9 projects are going away, being completed. So they try
10 to shift our employees onto other work when it's
11 available.

12 Q. Is it the department managers who make that
13 decision or do they consult with other BE&K officials?

14 A. They know when they run out of work and they
15 take it to the chief engineer and the chief engineer
16 has to consult with them and then he also will apprise
17 the general office manager.

18 Q. Is there anybody else that's consulted?

19 A. The only other thing BE&K will do is try to
20 find work in other offices. We call all the other
21 engineering offices to see if they have work they can
22 send up for us.

23 Q. So you said the department manager will go to
24 the chief engineer, then the chief engineer will speak



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1 BY MR. ANGLADE:

2 Q. So the people involved in making a decision
3 that there's going to be a reduction in force is the
4 general manager, the civil engineer and the project
5 manager?

6 A. Yes.

7 But can I qualify that just to give you a
8 better picture?

9 Q. Sure.

10 A. It's the discipline manager, the person's
11 manager, and the chief engineer or it would be the
12 manager of projects because he oversees the project
13 managers. And then they just let the general manager
14 know what's going on and they try to see if there's
15 other options.

16 Q. Are there any other people involved?

17 A. No.

18 Q. Well, who is the one who makes the ultimate
19 decision we have to let this person go or we can put
20 them somewhere else?

21 A. I don't know. I'm not involved in those
22 discussions. I know the manager will go to his
23 manager and say, "I have no work for this person."

24 Q. Now, what is Allstates?



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1 A. Allstates is a sister company that recruits and
2 hires and helps BE&K's staff, their positions, and
3 also helps other companies' staff positions.

4 Q. What do you mean? Other BE&K companies?

5 A. Other BE&K companies, DuPont Company, Hercules,
6 Sun Oil, other companies.

7 Q. Is Allstates a subsidiary of BE&K?

8 A. Yes.

9 Q. What are the benefits to BE&K to have one of
10 their employees fall under Allstates?

11 MS. DiBIANCA: I'm just going to object as
12 to form.

13 You can answer.

14 A. I can only answer on what I observe. Allstates
15 dedicates their time to recruiting and interviewing
16 constantly, so they usually have people that they can
17 bring on. So they can hire faster than I can.

18 So a manager can get a placement much more
19 quickly through Allstates.

20 Q. Is there any difference between being employed
21 by BE&K and being employed by Allstates?

22 A. Yes, there is a difference.

23 Q. What is the difference?

24 A. On the Allstates side you have more



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1 Q. And who is this person?

2 A. Michael DeMarco.

3 Q. How do you spell Mr. DeMarco's last name?

4 A. D-e-M-a-r-c-o.

5 Q. And what was his complaint?

6 A. He said it cost him more for benefits being an
7 Allstates employee.

8 Q. Was there anything else he complained about
9 with respect to being an Allstates employee?

10 A. No.

11 Q. And when did he voice his complaint to you?

12 A. After he was laid off. I don't know when.

13 Q. Do you know if he was laid off this year?

14 A. No. It was two, three years ago.

15 Q. Is he still an Allstates employee?

16 A. No.

17 Q. Do you know when he stopped?

18 A. It was sometime this year.

19 Q. Do you know why he's no longer working for
20 Allstates?

21 A. Because he's back with BE&K.

22 Q. Do you know why he's back with BE&K?

23 A. I do not know why.

24 Q. Do you know what his position is?



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1 Q. Do you know how much of Allstates' work
2 percentage-wise is for BE&K projects?

3 A. I don't know the answer to that question.

4 Q. Do you know if it's over 50 percent?

5 Do you understand my question?

6 A. No. Rephrase it.

7 Q. What I want to know is what percentage of
8 Allstates' employees are working on BE&K projects?

9 A. I can't answer that. I can tell you in our
10 office under the Delaware office, and that includes
11 site teams, a third of the people that work for BE&K
12 Delaware are Allstates. But the people in the
13 Allstates office, I don't know how many employees they
14 have that go to other companies.

15 Q. So a third of the people in Newark, Delaware
16 are Allstates employees?

17 A. A third of the people that are paid out of
18 Newark, Delaware are Allstates employees. They could
19 be in Fort Madison or -- yeah.

20 Q. Do you know if it's the same percentage of
21 engineers that work at BE&K who are Allstates
22 employees?

23 A. I don't know.

24 Q. Do you know why BE&K would bring somebody from



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1 Q. Do you recall what it was approximately last
2 year?

3 A. I'm guessing. I've had about 70 new hires. I
4 don't know how many terminations, but it was probably
5 closer to 230.

6 Q. Do you recall approximately what the number was
7 in 2004?

8 A. No. But it would have been low.

9 Q. Lower than 230?

10 A. I don't know that. It would have been low
11 because we weren't hiring too much.

12 Q. So there was less hiring in 2004?

13 A. Yes.

14 Q. Now, 2003, can you recall approximately how
15 many employees there were at the Newark, Delaware
16 facility?

17 A. No.

18 Q. Well, you said 2003 was a bad year, correct?

19 A. (The witness nodded.)

20 Q. Do you recall approximately how many people
21 were let go in 2003?

22 A. No. I would have to go back and look at my
23 records because through attrition we didn't replace
24 and then we were forced to lay off some people. I



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